



**STATE OF WEST VIRGINIA
DEPARTMENT OF REVENUE
ALCOHOL BEVERAGE CONTROL ADMINISTRATION**

322 70th Street, SE
Charleston, West Virginia 25304-2900

I would like to thank you for your interest in becoming a vendor of alcoholic spirits for the state of West Virginia. We are honored that you have chosen West Virginia as part of your future growth. Our staff is committed to providing the information and services required for a fast start.

The mission of the Alcohol Beverage Control Administration is to sell and control the use of alcoholic beverages and to enforce the laws and regulations regarding alcoholic beverages in the State of West Virginia.

Enclosed are the applications and documents necessary for registration as a vendor for alcoholic spirits. It is our goal to provide you with the assistance needed to complete this process thereby bringing your products to the many consumers of West Virginia.

Again, thank you for your interest and please do not hesitate to contact our office for any concerns or questions you may have. We welcome the opportunity to work with you and look forward to achieving our goals together.

In the much quoted words of Governor Manchin:

“West Virginia is open for business.”

Sincerely,

A handwritten signature in dark ink that reads "Dallas S. Staples". The signature is written in a cursive, flowing style.

Dallas S. Staples
Commissioner



**STATE OF WEST VIRGINIA
DEPARTMENT OF REVENUE
ALCOHOL BEVERAGE CONTROL ADMINISTRATION**

322 70th Street, SE
Charleston, West Virginia 25304-2900

ABCA STAFF CONTACT INFORMATION

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Changes, Special Price Allowances,, Bailment,
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Licensing*

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*Contact for: Liquor Payments, Bailment
Authorization, Hold Harmless Agreements,
Debit Memorandums & Claims*



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Every person, company, or corporation intending to do business in West Virginia must register with the West Virginia State Tax Department. Additionally, corporations, limited partnerships and limited liability companies must register with the West Virginia Secretary of State.

Please consult with the appropriate person (s) in your organization about compliance with the business registration requirements in West Virginia. Should further assistance be necessary, you may contact the following sources for registration information:

West Virginia State Tax Department

Taxpayer Services Division
P.O. Box 3784
Charleston, WV 25337-3784
(304) 558-3333 or
1-800-982-8297

<http://www.state.wv.us/taxrev/uploads/busapp.pdf>

Secretary of State

Corporations Division
Capitol Complex
Building 1, Room 151
1900 Kanawha Blvd. E.
Charleston, WV 25305
(304) 558-8000

<http://www.wvsos.org/business/startup/welcometowv.htm>



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ADDITIONAL INFORMATION

LIQUOR VENDORS ARE **EXEMPT** FROM THE \$125.00 ANNUAL FEE THAT IS REFERENCED IN THE VENDOR REGISTRATION AND DISCLOSURE STATEMENT (FORM WV-1).

PLEASE RETURN ALL COMPLETED VENDOR REGISTRATION PACKETS TO:

WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION
ATTENTION: SPIRITS DIVISION
322 70TH STREET, SE
CHARLESTON, WV 25304

STATE OF WEST VIRGINIA
PURCHASING DIVISION

VENDOR REGISTRATION AND DISCLOSURE STATEMENT

Dear Vendor:

Before a vendor is eligible to sell goods and/or services to the State of West Virginia, the **West Virginia Code** (§5A-3-12) requires all vendors to have on file with the West Virginia Purchasing Division a completed Vendor Registration and Disclosure Statement.

All vendors wishing to participate in the competitive bid process and receive purchase orders from the State of West Virginia exceeding one thousand dollars (\$1,000) are required to complete the Vendor Registration and Disclosure Statement (WV-1 form) and pay a **\$125.00** annual fee. Payment of the annual fee includes access to the **West Virginia Purchasing Bulletin**, which is updated online weekly, advertising purchases expected to exceed twenty-five thousand dollars (\$25,000).

Please send complete form in its ENTIRITY to:

W. Va. Alcohol Beverage Control Administration
322 70th Street SE
Charleston WV 25304

Pages 1 and 2 which consist of information related to vendor organizational structure must be completed. Whenever a change occurs in the information submitted as required, such change shall be reported immediately in the same manner as required in the original disclosure affidavit (**WV Code §5A-3-12**). If you have any questions concerning the Vendor Registration and Disclosure Statement, please call the Purchasing Division at (304) 558-2311.

PLEASE TYPE OR CLEARLY PRINT ALL INFORMATION
To Be Completed by the Vendor and Return to the West Virginia Purchasing Division

1. Legal Name of Company/Individual _____

Bidding Address _____

City/State/Zip _____

Contact Person _____

Telephone Number _____ FAX Number _____

2. Vendor Classified As:

<input type="checkbox"/> Individual	<input type="checkbox"/> Governmental Entity
<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Non-Profit Organization
<input type="checkbox"/> Partnership	<input type="checkbox"/> Other (Explain) _____
<input type="checkbox"/> Estate/Trust	_____
<input type="checkbox"/> Corporation	_____
<input type="checkbox"/> Public Service Corp	_____

3. If you have a Federal Employer's Identification Number enter it. All partnerships, corporations, sole owners, or companies with employees must have an FEIN.

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For individuals with no FEIN, enter Social Security Number.

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4. By providing the following information, I represent that this enterprise is a small business as defined by the **Code of Federal Regulations**, Title 13, Part 121, as appended - which contains detailed industry definitions and related procedures - and/or the characteristics of the enterprise's control, operation and/or ownership are accurately reflected in the information provided. *Check all that apply.*

☐ Disabled Small Business Ownership [1]
☐ Minority Small Business Ownership [2]
☐ Small Business Ownership [3]

☐ Veteran Small Business Ownership [4]
☐ Woman Small Business Ownership [5]

*The information gathered in question 7 is for data collection efforts **only**.*

VENDOR REGISTRATION AND DISCLOSURE STATEMENT

PLEASE TYPE OR CLEARLY PRINT ALL INFORMATION

5. Are you registering as a new vendor with the Purchasing Division? _____ No _____ Yes

6. Are you updating the information previously submitted? _____ No _____ Yes

7. Are you completing this form to register a branch/division/subsidiary?
If yes, please list the parent company's name, address, and FEIN. _____ No _____ Yes

Company Name: _____

Address: _____

FEIN: _____

8. Has the vendor done business under another name? If so, list the name and address under which the business was conducted.

Name

Address (St. & No.), City & State

9. List the name, title and residence location of all officers. Attach an additional sheet if space is needed.

Name

Position

Residence Address (St. & No.), City & State

10. List the name and telephone number of one or more banking institutions to serve as reference for the vendor.

11. What is the latest Dun & Bradstreet rating on the vendor (if there is any such rating)?

12. Is the vendor acting as an agent for some other individual, firm or corporation? If yes, attach statement of the principal authorizing such representation.

_____ No

_____ Yes

13. List the three digit commodity code number(s) from the list on pages 3 and 4 which best describe the product(s)/service(s) furnished by your company. (Attach additional page, if necessary) xxx SALES OF DISTILLED SPIRITS

As authorized agent of the vendor named herein, I do solemnly swear that the above information is true and complete.

Vendor Signature

Title

Date

PURCHASING DIVISION USE ONLY

Vendor ID: _____

Check No.: _____

Memo No.: _____

Date: _____

Entered by: _____

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type See Specific Instructions on page 2	Name (as shown on your income tax return)	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/ Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶	<input type="checkbox"/> Exempt from backup withholding
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number								
			+			+		
or								
Employer identification number								
			+					

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here	Signature of U.S. person ▶	Date ▶

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

In 3 above, if applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes, you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien.

Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments (after December 31, 2002). This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 4 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules regarding partnerships* on page 1.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, enter the owner's name on the "Name" line. Enter the LLC's name on the "Business name" line. Check the appropriate box for your filing status (sole proprietor, corporation, etc.), then check the box for "Other" and enter "LLC" in the space provided.

Other entities. Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Note. You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).

Exempt From Backup Withholding

If you are exempt, enter your name as described above and check the appropriate box for your status, then check the "Exempt from backup withholding" box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

Exempt payees. Backup withholding is not required on any payments made to the following payees:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
2. The United States or any of its agencies or instrumentalities,
3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
5. An international organization or any of its agencies or instrumentalities.

Other payees that may be exempt from backup withholding include:

6. A corporation,
7. A foreign central bank of issue,
8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
9. A futures commission merchant registered with the Commodity Futures Trading Commission,
10. A real estate investment trust,
11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
12. A common trust fund operated by a bank under section 584(a),
13. A financial institution,
14. A middleman known in the investment community as a nominee or custodian, or
15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt recipients listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt recipients except for 9
Broker transactions	Exempt recipients 1 through 13. Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt recipients 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt recipients 1 through 7 ²

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation (including gross proceeds paid to an attorney under section 6045(f), even if the attorney is a corporation) and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees; and payments for services paid by a federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-owner LLC that is disregarded as an entity separate from its owner (see *Limited liability company (LLC)* on page 2), enter your SSN (or EIN, if you have one). If the LLC is a corporation, partnership, etc., enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at www.socialsecurity.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer ID Numbers under Related Topics. You can get Forms W-7 and SS-4 from the IRS by visiting www.irs.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt recipients, see *Exempt From Backup Withholding* on page 2.

Signature requirements. Complete the certification as indicated in 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship or single-owner LLC	The owner ³
For this type of account:	Give name and EIN of:
6. Sole proprietorship or single-owner LLC	The owner ³
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate or LLC electing corporate status on Form 8832	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership or multi-member LLC	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or "DBA" name on the second name line. You may use either your SSN or EIN (if you have one). If you are a sole proprietor, IRS encourages you to use your SSN.

⁴ List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules regarding partnerships* on page 1.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA, or Archer MSA or HSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. possessions to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

WEST VIRGINIA DEPARTMENT OF TAX AND REVENUE

BAILMENT AUTHORIZATION FORM

[Date]

The undersigned, _____
[Name]

[Name of Employer or Company]

(hereinafter referred to as Supplier) of _____
[Street Address & PO Box, if applicable]

[City, State and Zip Code]

is the duly authorized, qualified, and designated representative and agent of said Supplier to accept orders from the Alcohol Beverage Control Commissioner of West Virginia, a Division of the West Virginia Department of Tax and Revenue, for products that are stored by said Supplier in bailment at the West Virginia ABCC Warehouse in Nitro, Kanawha County, West Virginia. The West Virginia Alcohol Beverage Control Commissioner is hereby authorized to withdraw all or any part of the said bailment inventory owned by this Supplier as necessary to fill orders at ABCC controlled outlets and/or fill retail orders for private retail stores.

This authorization shall be in force and effect from July 1, 2008 through June 30, 2009. However, this authorization may be revoked at any time, without notice, when such revocation is delivered in writing to said Alcohol Beverage Control Commissioner.

Supplier FEIN number:

[Signature]

[Title]

[Telephone Number, including Area Code]



**STATE OF WEST VIRGINIA
DEPARTMENT OF REVENUE
ALCOHOL BEVERAGE CONTROL ADMINISTRATION**

322 70th Street, SE
Charleston, West Virginia 25304-2900

HOLD HARMLESS AGREEMENT

(Supplier)

(Authorized Representative)

(Address)

(Title of Representative)

(City, State, Zip)

(Telephone Number)

Supplier agrees to hold harmless the Alcohol Beverage Control Commissioner (ABCA) of the West Virginia Department of Tax and Revenue, its officers, employees, and the State of West Virginia for losses to the supplier's inventory stored at the West Virginia Alcohol Beverage Control Administration Warehouse as a result of fire, storm, flood, or other acts of God. And does hereby release the West Virginia Alcohol Beverage Control Administration and the State of West Virginia from liability from such inventory losses.

(Signature)

(Date)



**STATE OF WEST VIRGINIA
DEPARTMENT OF REVENUE
ALCOHOL BEVERAGE CONTROL ADMINISTRATION**

322 70th Street, SE
Charleston, West Virginia 25304-2900

TO: West Virginia Liquor Suppliers
FROM: Marilyn Smith, Spirits & Wine Manager
RE: Bailment Reports

Available West Virginia Bailment Reports are listed below. These reports are E-Mailed weekly, semi-monthly, and monthly. Please advise the Commission as to who is to receive these reports.

VENDOR NAME: _____ **DATE:** _____
MAIN CONTACT: _____ **PHONE:** _____
EMAIL: _____ **FAX:** _____

REPORTS:

NAME: _____
EMAIL: _____
FAX: _____

- ☐ *BAILMENT STOCK REQUIREMENT REPORT - Weekly*
- ☐ *BAILMENT CRITICAL INVENTORY REPORT - Weekly*
- ☐ *INSUFFICIENT INVENTORY REPORT (LOST SALES) - Monthly*
- ☐ *OPEN BACKORDER INVENTORY REPORT - Monthly*
- ☐ *BAILMENT STOCK WITHDRAWALS REPORT - Weekly*
- ☐ *BAILMENT STOCK WITHDRAWALS REPORT - Semi-monthly*
- ☐ *BAILMENT STOCK WITHDRAWALS REPORT - Monthly*
- ☐ *WAREHOUSE INVENTORY LEVELS REPORT - Weekly*
- ☐ *WAREHOUSE INVENTORY LEVELS REPORT - Semi-monthly*
- ☐ *WAREHOUSE INVENTORY LEVELS REPORT - Monthly*

NAME: _____
EMAIL: _____
FAX: _____

- ☐ *BAILMENT STOCK REQUIREMENT REPORT - Weekly*
- ☐ *BAILMENT CRITICAL INVENTORY REPORT - Weekly*
- ☐ *INSUFFICIENT INVENTORY REPORT (LOST SALES) - Monthly*
- ☐ *OPEN BACKORDER INVENTORY REPORT - Monthly*
- ☐ *BAILMENT STOCK WITHDRAWALS REPORT - Weekly*
- ☐ *BAILMENT STOCK WITHDRAWALS REPORT - Semi-monthly*
- ☐ *BAILMENT STOCK WITHDRAWALS REPORT - Monthly*
- ☐ *WAREHOUSE INVENTORY LEVELS REPORT - Weekly*
- ☐ *WAREHOUSE INVENTORY LEVELS REPORT - Semi-monthly*
- ☐ *WAREHOUSE INVENTORY LEVELS REPORT- Monthly*

NAME: _____
EMAIL: _____
FAX: _____

- ☐ *BAILMENT STOCK REQUIREMENT REPORT - Weekly*
- ☐ *BAILMENT CRITICAL INVENTORY REPORT - Weekly*
- ☐ *INSUFFICIENT INVENTORY REPORT (LOST SALES) - Monthly*
- ☐ *OPEN BACKORDER INVENTORY REPORT - Monthly*
- ☐ *BAILMENT STOCK WITHDRAWALS REPORT - Weekly*
- ☐ *BAILMENT STOCK WITHDRAWALS REPORT - Semi-monthly*
- ☐ *BAILMENT STOCK WITHDRAWALS REPORT - Monthly*
- ☐ *WAREHOUSE INVENTORY LEVELS REPORT - Weekly*
- ☐ *WAREHOUSE INVENTORY LEVELS REPORT - Semi-monthly*
- ☐ *WAREHOUSE INVENTORY LEVELS REPORT- Monthly*

NAME: _____
EMAIL: _____
FAX: _____

- ☐ *BAILMENT STOCK REQUIREMENT REPORT - Weekly*
- ☐ *BAILMENT CRITICAL INVENTORY REPORT - Weekly*
- ☐ *INSUFFICIENT INVENTORY REPORT (LOST SALES) - Monthly*
- ☐ *OPEN BACKORDER INVENTORY REPORT - Monthly*
- ☐ *BAILMENT STOCK WITHDRAWALS REPORT - Weekly*
- ☐ *BAILMENT STOCK WITHDRAWALS REPORT - Semi-monthly*
- ☐ *BAILMENT STOCK WITHDRAWALS REPORT - Monthly*
- ☐ *WAREHOUSE INVENTORY LEVELS REPORT - Weekly*
- ☐ *WAREHOUSE INVENTORY LEVELS REPORT - Semi-monthly*
- ☐ *WAREHOUSE INVENTORY LEVELS REPORT- Monthly*



STATE OF WEST VIRGINIA
DEPARTMENT OF TAX AND REVENUE
ALCOHOL BEVERAGE CONTROL ADMINISTRATION
322 70th Street, SE
Charleston, West Virginia 25304-2900

INSTRUCTIONS FOR REPRESENTATIVE'S LICENSE
(FORM # ABCC-WS-181)

1. General Information -

Please read the instructions carefully. All questions are to be answered in full. Your accuracy and thoroughness in completing the application form will assist us in processing the application and preventing unnecessary delays.

2. False representations made in application or failure to comply with Chapter 60 of the West Virginia Code (State Control of Alcoholic Liquors) and rules and regulations promulgated thereunder may result in denial, revocation, or suspension of the license.
3. An organizational chart detailing those individuals authorized to represent each of your respective companies in this state must accompany the application. This should include any company executive who has either visited this office in the past or intends to visit at a future date.
4. License fees must be paid by **certified check, cashier's check, company check, or money order**. Personal check or cash will not be accepted.

The representative license period begins on July 1 and ends June 30 of each year. There is no cost to license as a representative of a Wine Distributor. The cost of a Distillery/Wine Supplier Representative's license is one hundred dollars (\$100.00) for a full year. If the license is issued for less than a full year, the fee may be prorated as follows:

<u>License Application Submitted</u>	<u>License Fee</u>
July 1 through June 30	Full License Fee
January 1 through June 30	½ of License Fee

If you have any questions, please call (304) 558-2481 and ask for the Spirits & Wine Division.

Return to:

West Virginia ABC Commission
Spirits, Wine Division & Order Entry Divisions
322 70th Street, S. E.
Charleston WV 25304



Licensing Period: _____ to _____

License Number: _____

West Virginia Alcohol Beverage Control Administration

322 70th Street, SE Charleston, WV 25304-2900
(304) 558-2481

Application for Representative's License

☐ **Distillery/Wine Supplier Representative**

Answer Questions 1-30
License Fee: \$100.00

☐ **Wine Distributor Representative**

Answer Questions 1-25
License Fee: \$00.00

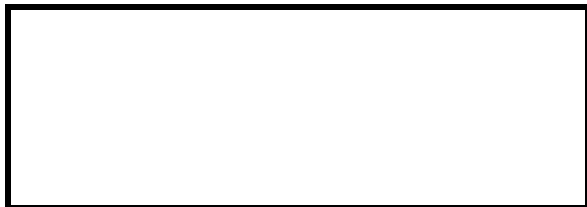
1. Representative Name: _____
2. Rep's Resident Address: _____
City _____ State _____ Zip _____
3. Rep's Telephone: _____
4. Date of Birth: _____
5. Social Security Number: _____
6. Rep's Email: _____
7. Company Representing: _____
8. Company's FEIN: _____
9. Business Physical Address: _____
City _____ State _____ Zip _____
10. Business Mailing Address: _____
City _____ State _____ Zip _____
11. Business Telephone: _____
12. Contact Person: _____ Telephone Number: _____
13. Has applicant or any officer been:
 - a. Convicted of a felony? Yes _____ When: _____ If yes, attach sheet to explain. No _____
 - b. Convicted of a violation of federal or state alcohol laws? Yes _____ If yes, attach sheet to explain. No _____
 - c. Convicted of a criminal offense (misdemeanor) within the last 5 years? Yes _____ If yes, attach sheet. No _____
 - d. Refused any type of alcohol license or permit in any state? Yes _____ State: _____ If yes, attach sheet. No _____
14. Has applicant or any officer had:
 - a. A hearing before the WVABCA Commissioner? Yes _____ Explain: _____ No _____
 - b. Any type of WVABCA license or permit sanctioned? Yes _____ Explain: _____ No _____
15. Has applicant been refused any type of alcohol license or permit in any state? Yes _____ Explain: _____ No _____
16. Does applicant or any blood relative own any real estate, buildings or equipment used by any WV wine retail licensee? Yes _____ Attach a written explanation and give name, address and interest. No _____
17. Does applicant or any blood relative hold any interest in a licensed wine retailer in West Virginia? Yes _____ If yes, attach a written explanation and give name, address and interest. No _____
18. Is the applicant, spouse of the applicant, or any blood relative a member of the West Virginia Alcohol Beverage Control Administration? Yes _____ Attach a written explanation of person and relationship. No _____
19. Is the applicant, spouse of the applicant, or any blood relative an elected or appointed state, county or municipal official? Yes _____ If yes, attach a written explanation of person, relationship, and office held. No _____
20. Is the applicant, or spouse of applicant, a member or officer of any political party executive committee of West Virginia? Yes _____ If yes, attach a written explanation. No _____
21. Has the applicant, during the fiscal year next preceding that for which this license is sought, made or given, voluntarily or on request, a gift, contribution or money or property to a member or an employee of the Commissioner, or to any West Virginia licensed wine distributor, or to or for the benefit of any political party committee or campaign fund? Yes _____ If yes, how much \$ _____ to whom: _____ No _____
22. Is applicant a salaried employee of the company to be represented? Yes _____ No _____

23. Will applicant receive any hidden benefits or bonuses in addition to the salary promised? Yes ____ No ____
24. What is applicant's present employment or what has recently been applicant's employment, craft, calling business or profession? _____
25. Does applicant contemplate continuing employment or business connections in addition to that for which this application serves? Yes ____ No ____
26. Will applicant represent wine to West Virginia licensed wine distributors? Yes ____ No ____
27. The monetary total of all wine sales made by the applicant to West Virginia licensed wine distributors during the fiscal year next preceding that for which this license is sought was \$ _____.
If not a full year, state portion thereof: _____.
28. Will applicant represent liquor products? Yes ____ No ____
29. The monetary total of all alcoholic liquor sales made by the applicant to the Commissioner during the fiscal year next preceding that for which this license is sought was \$ _____. If not a full year, state portion thereof: _____.
30. The monetary total of the gross income received by the applicant on the aforesaid liquor/wine sales was \$ _____.

Should the applicant fail to fully carry out and fulfill in every respect the laws of West Virginia, then the Commissioner shall have the right to terminate or revoke this license or permit and declare forfeited the penalty of the bond (if a bond is required for the selected license type). However, it is agreed and understood by and between the parties hereto that before such bond shall be forfeited a hearing shall be held in the Office of the West Virginia Alcohol Beverage Control Commissioner in the City of Charleston, Kanawha County, West Virginia, after ten (10) days written notice to the applicant, setting forth the charge or charges and the time and place of hearing thereon and which said notice shall be served the applicant by registered mail at the address hereinabove set forth.

Signature of Sales Representative

STATE OF _____,
COUNTY OF _____, to wit:



Seal of Notary

Given under my hand and official seal this ____ day of _____, ____.

Signature of Notary Public

Commission Expires _____

TO BE COMPLETED BY THE OWNER, AN OFFICER, DIRECTOR, OR MANAGER OF THE COMPANY LISTED IN QUESTION #6.

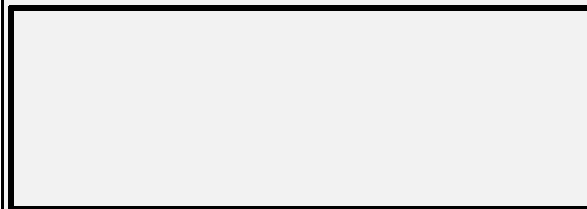
I affirm that the above named applicant is an authorized representative of this company and will be employed by this company if the requested license is issued. I agree to notify the Commissioner, in writing, if the above named applicant ceases to represent our company.

Name of Company: _____

Signature

Title

STATE OF _____,
COUNTY OF _____, to wit:



Seal of Notary

Given under my hand and official seal this ____ day of _____, ____.

Signature of Notary Public

Commission Expires _____

STANDARD QUOTATION & SPECIFICATION FORM

VENDOR OF RECORD:

STATE CODE:

1. STATE:	2. DATE SUBMITTED:
3. BRAND NAME:	4. EFFECTIVE DATE:
5. STATE STOCK: <input type="checkbox"/>	6. BAILMENT: <input type="checkbox"/>
7. SPECIAL PURCHASE ORDER PLAN: <input type="checkbox"/>	
8. TYPE:	9. CLASS:
10. FORMULA:	11. AGE/VINTAGE:
12. PROOF/ALCOHOL:	13. DOMESTIC:
14. IMPORTED:	15. DISTILLED/PROD.BY:
16. ADDRESS:	14a INBOND: <input type="checkbox"/> YES <input type="checkbox"/> NO
17. BOTTLED BY:	
18. ADDRESS:	
19. SOLD UNDER ANY OTHER LABEL: <input type="checkbox"/> YES <input type="checkbox"/> NO	PROOF: AGE: EXPLAIN:

20. SHIP POINT:	21. FOB POINT:	22. FRT. PER CWT:
-----------------	----------------	-------------------

REASON FOR CHANGE:

23. <input type="checkbox"/> AGE/VINTAGE/PROOF CHANGE	26. <input type="checkbox"/> CASE COST CHANGE	29. <input type="checkbox"/> PALLET/TIER/WEIGHT CHANGE
24. <input type="checkbox"/> SIZE CHANGE	27. <input type="checkbox"/> VENDOR CHANGE	30. <input type="checkbox"/> PACK CHANGE
25. <input type="checkbox"/> SCC/GTIN CHANGE	28. <input type="checkbox"/> NEW ITEM	31. <input type="checkbox"/> OTHER (Explain on Line 54)

	OTHER	3 LITER/ 4 LITER	1.75 LT/ 1.5 LT	LITER	750 ML	375 ML/ 500 ML	200 ML/ 187 ML	50 ML/ 100 ML
32. UNIT PACK								
33. OUNCES PER BOTTLE								
34. BOTTLES / SLEEVE								
35. SKU GTIN								
36. 2ND SKU GTIN								
37. SHIP. CONT. CODE - SCC (first 8 digits)								
SHIP. CONT. CODE - SCC (last 6 digits)								
38. STATE CODE								
39. CASES / PALLET & CASES / LAYER								
40. CASE WEIGHT (LBS)								
41. NET COST FOB SHIP POINT								
42. U.S. FREIGHT								
43. OCEAN FREIGHT								
44. MARINE INSURANCE								
45. OTHER CHARGES / BAILMENT								
46. DISCOUNT OR INSERT NET								
47. TOTAL INVOICE COST								
48. CASE DIMENSIONS (L/W/H) (INCHES)								
49. BOTTLE DIMENSIONS (D/W/H)								
50. LAST/PREVIOUS QUOTED COST								
51. DATE LAST/PREVIOUS QUOTE								
52. CASE COST INCREASE/DECREASE								
53. COST PER SELLING UNIT								
54. REMARKS:								

55. Is this a product for which you want a limited listing period. ☐ YES ☐ NO If yes the listing ends / /

56. TERMS (NET/DISC.):

57. REPRESENTATIVE FOR THE STATE	58. WE CERTIFY THAT THE FOREGOING IS CORRECT
NAME:	SUPPLIER:
ADDRESS:	STATE LIC/PERMIT NO:
	FED. ID. NO.:
LIC NO:	ADDRESS:
TELEPHONE:	
FAX:	TELEPHONE: FAX:
	BY:
	TITLE:

STATE USE

REVISED: 10/04

TITLE 175
LEGISLATIVE REGULATIONS
ALCOHOL BEVERAGE CONTROL COMMISSIONER

SERIES 6
BAILMENT POLICIES AND PROCEDURES

§175-6-1. General.

1.1. Scope. -- These modified proposed legislative regulations explain and clarify the bailment procedures and policies to be utilized by the ABCC in the operation of the ABCC warehouse and the provision of alcoholic liquor to licensed retail stores.

1.2. Authority. -- W. Va. Code §§60-2-16 and 29A-3-1 et seq.

1.3. Filing Date. -- May 9, 2005.

1.4. Effective Date. -- May 13, 2005.

§175-6-2. Definitions.

As used in these regulations and unless the context clearly requires as different meaning, the following terms shall have the meaning ascribed herein, and shall apply in the singular and in the plural.

2.1. "Alcohol" means ethyl alcohol, whatever its origin, and shall include synthetic ethyl alcohol but not denatured alcohol.

2.2. "Alcoholic liquor" or "liquor" means alcohol, beer, fortified wine and distilled spirits, and any liquid or solid capable of being used as a beverage, but shall not include wine having an alcohol content of fourteen percent (14%) or less, nonintoxicating beer or nonintoxicating beverages.

2.3. "Alcohol Beverage Control Commissioner" or "ABCC" or "Commissioner" means the West Virginia Alcohol Beverage Control Commissioner (Administrator) or his delegate.

2.4. "Bailment" means the warehousing

method whereby alcoholic liquors owned by the supplier are stored in the ABCC warehouse for subsequent shipment to retail liquor stores.

2.5. "Case lot" means a complete case of distilled spirits.

2.6. "Code" means the designation for a specific brand and container size of alcoholic liquor.

2.7. "Department" shall mean the West Virginia Department of Tax and Revenue.

2.8. "Distilled spirits" means ethyl alcohol, ethanol or spirits, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, for beverage use, and shall include, but not be limited to, neutral spirits, whiskey, brandy, rum, gin, vodka, cordials and liqueurs. In addition to the foregoing, any alcoholic beverage containing more than twenty-four percent (24%) of alcohol by volume shall be deemed to be distilled spirits.

2.9. "Distillery" or "distiller" means an establishment where alcoholic liquor other than wine and beer is manufactured or in any way prepared.

2.10. "Electronic funds transfer" or "EFT" means the transfer electronically of funds from one bank account to another bank account without the necessity of a personal or business check to initiate the transaction.

2.11. "Fortified wine" means any wine to which brandy or other alcohol has been added and includes dessert wines which are not fortified and any wine containing greater than fourteen percent (14%) alcohol by volume.

2.12. "Importer" means a person who brings in or carries-in goods from a foreign county for the purpose of sale of such goods in this county.

2.13. "Layer" or "layer quantity" means one layer of product cases on a pallet-type portable platform of wood or other material.

2.14. "Licensed retailer" means the person licensed in accordance with W. Va. Code §60-3A to operate a retail liquor store.

2.15. "Manufacture" means to distill, rectify, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor.

2.16. "Manufacturer" means any person engaged in the manufacture of any alcoholic liquor, and among others includes a producer, processor, bottler, importer, broker, wholesaler, distributor, supplier, distiller, rectifier, winemaker or brewer.

2.17. "Mixed case" or "split case" means a single full case of alcoholic liquors which is comprised of different brand names, different spirits, different proofs, etc.

2.18. "Pallet" or "pallet quantity" means the cases of product which for purposes of shipment and storage are situated on portable platforms of wood or other material, such platforms being forty-eight inches (48") deep by forty inches (40") wide and capable of being moved by materials handling equipment such as a fork-lift; the layers of product cases on the platforms must be eight in number.

2.19. "Neutral spirits" means ethyl alcohol of 190 proof or higher used especially for blending other alcoholic liquors.

2.20. "Original package" means any closed or sealed container or receptacle used for holding alcoholic liquor.

2.21. "Person" means any individual, partnership, joint stock company, business trust, association, corporation or other form of business enterprise, including a receiver, trustee or

liquidating agent.

2.22. "Product" means alcoholic liquors whether located in the ABCC warehouse or in retail liquor stores.

2.23. "Public place" means any place, building or conveyance to which the public has, or is permitted to have access, including restaurants, soda fountains, hotel dining rooms, lobbies, and corridors of hotels and any highway, street, lane, park or place of public resort or amusement: Provided, That the term "public place" shall not mean or include any of the above-named places or any portion or portions thereof which qualify and are licensed under the provisions of W. Va. Code §Chapter 60 to sell alcoholic liquors for consumption on the premises.

2.24. "Retail liquor store" means a store established and operated under the authority of W. Va. Code §§60-3 or 60-3A for the sale of alcoholic liquor in the original package for consumption off the premises.

2.25. "Sale" means any transfer, exchange or barter in any manner or by any means, for a consideration, and shall include all sales made by principal, proprietor, agent or employee.

2.26. "Selling" shall include solicitation or receipt of orders, possession for sale, or possession with intent to sell.

2.27. "Supplier" means a person who sells or offers to sell, or solicits or negotiates the sale, of alcoholic liquors in West Virginia and the term may include manufacturers, distributors, distillers and importers.

2.28. "Wine" means any alcoholic beverage obtained by the fermentation of the natural content of fruits, or other agricultural products, containing sugar, and includes, but is not limited to, still wines, champagne and other sparkling wines, carbonated wines, imitation wines, vermouth, cider, perry, sake or other product offered for sale or sold as wine.

2.29. "Winery" means an establishment where

wine is manufactured or in any way prepared.

§175-6-3. Conversion to Bailment.

3.1. During the time the ABCC converts to a bailment warehousing method, the inventory will consist of product owned by the ABCC and product owned by suppliers.

3.1.1. When conversion commences on July 3, 1990, and at all times subsequent thereto, ABCC inventory will be used first; when the ABCC inventory is insufficient, inventory provided by suppliers will be used.

3.1.2. The ABCC inventory records will at all times maintain a separate identity from all suppliers' inventory.

3.1.3. As the ABCC inventory is depleted, supplier inventory will be increased to the pre-approved level.

3.2. Each supplier is required to furnish the ABCC with the name, address, and phone number of the principal individual who will represent such supplier in all dealings with the ABCC that pertain to bailment.

3.3. Each supplier is required to provide the ABCC with certified copies of such supplier's applicable Bureau of Alcohol, Tobacco and Firearms permit and the Internal Revenue Service Special Tax Permit (form 11).

3.4. Each supplier is required to complete annually the "Bailment Authorization Form" provided by ABCC. This form grants ABCC the authority to effect the removal of the supplier's product from bailment on a shipment-by-shipment or continuing basis.

3.5. Each supplier is required to execute the "HOLD HARMLESS AGREEMENT" provided by ABCC. This agreement states that the supplier will hold ABCC harmless for any losses incurred to the supplier's inventory due to fire, water, or other damage by the elements while the supplier's inventory is stored at the ABCC warehouse. ABCC will not cover costs or carry insurance for

such losses.

3.6. All merchandise received from a given supplier will be converted to bailment at the time of receipt at the ABCC warehouse.

3.7. Price changes may occur no more often than four (4) times per twelve (12) month period. New price quotation forms must be submitted at least sixty (60) days in advance of the price increase effective date in order that the Wholesale Spirits Catalog may be amended. Effective dates of the spirits catalog are February 1, May 1, August 1, and November 1. Failure to provide the required advance notice of price changes may result in delisting certain of the suppliers products. Additionally, the price change may not be instituted until the spirits catalog is next published.

3.8. ABCC will provide suppliers with a one (1) year sales history report. This report will list sales, by month, of each of the supplier's products that have been sold by ABCC.

3.9. ABCC will provide suppliers with an initial maximum inventory level for each code. Requests for changes in inventory levels must be made to authorized ABCC personnel who must agree to such changed levels before merchandise which will exceed the maximum inventory level is ordered for placement into bailment storage in the warehouse.

3.10. ABCC will provide suppliers with a current inventory status report. This report will indicate current ABCC inventory and licensed retailer on-order quantities for each item. This report will assist suppliers in determining bailment inventory orders.

§175-6-4. Delivering Merchandise.

4.1. Suppliers will be responsible for determining the quantities of merchandise to be delivered to the ABCC warehouse for bailment storage. ABCC requires that suppliers deliver product in multiples of pallet quantities only. Effective January 1, 1991, product will not be unloaded if it is not shipped and unloaded on

pallets.

4.2. Suppliers are required to notify ABCC warehouse personnel at least forty-eight (48) hours in advance of shipment of quantities, by code, of product being delivered to the ABCC Warehouse. The supplier will be provided with an unloading reference number at the time ABCC is notified of shipment.

4.3. The shipment will not be accepted if the quantities to be delivered will place the warehouse inventory of the product being delivered over the maximum level. The supplier will be notified of such nonacceptance within 24 hours of original notification.

4.4. The supplier will be responsible for obtaining the freight carrier. The supplier must provide the carrier with the ABCC unloading reference number.

4.5. The carrier is required to call the ABCC Warehouse to obtain an unloading appointment time. The carrier must indicate the supplier and the ABCC unloading reference number when scheduling the appointment. Carriers should call at least one (1) working day in advance to arrange the unloading time. Trucks arriving without appointments and reference numbers will not be unloaded.

4.5.1. In general, deliveries will not be unloaded from 4:00 p.m. to 7:00 a.m. Monday through Friday, nor at all on Saturdays, Sundays or legal State holidays including primary and general election days.

§175-6-5. Unloading and Storage.

5.1. ABCC Warehouse personnel will unload all products. Carrier drivers are required to witness the unloading.

5.2. ABCC Warehouse personnel will complete a warehouse unloading report form. This report will indicate by code the number of cases unloaded. Shortages and damage will be noted. The driver and ABCC warehouse representative will sign the unloading report form

and the Bill of Lading or Delivery Receipt.

5.3. ABCC will provide the supplier with a copy of the warehouse unloading report form and the Bill of Lading or Delivery Receipt. The supplier and the carrier must resolve any shipping discrepancies from the report.

5.4. ABCC will use the warehouse unloading report form to enter information into the computer inventory files. ABCC will be responsible for the accuracy and maintenance of the computer inventory files.

5.5. Only full cases of salable product will be placed into storage for the supplier. Salable is defined as product that can be sold at full retail price. Cases that are short bottles, damaged, or have broken bottles will be unloaded into a vendor holding area. The supplier will be notified and disposition instructions requested. The supplier may send a representative to the warehouse to physically process the reported damage or request that ABCC personnel provide the extra service. ABCC will charge the supplier for extra case handling services.

5.6. Partial Cases of Salable Product:

5.6.1. The supplier may request that partial cases of salable product be transferred to vendor storage for eventual purchase by retail liquor stores.

5.6.2. As an alternative, the supplier must furnish disposition instructions within thirty (30) days subsequent to when such instructions were requested by the ABCC. If the supplier fails to furnish instructions, ABCC may sell the product and retain the proceeds to cover handling costs. ABCC personnel will adjust the computer bailment inventory records. This procedure does NOT constitute a purchase of bailment inventory by ABCC.

5.7. Salvageable Product:

5.7.1. Salvageable product will be retained in the supplier holding area for a period of thirty (30) days. Salvageable product is defined

as product that is slightly damaged and cannot be sold at full retail price. If suppliers fail to furnish disposition instructions within the thirty (30) days, ABCC may sell such products and retain the proceeds to cover handling costs. ABCC personnel will adjust the computer bailment inventory records. This procedure does NOT constitute a purchase of bailment inventory by ABCC.

5.8. Unsalable Merchandise:

5.8.1. Unsalable product will be retained in the supplier holding area for a period of thirty (30) days. Unsalable product is defined as product that is not fit for human consumption. If the supplier fails to furnish ABCC with disposition instructions within the thirty (30) day time frame, ABCC may destroy the product and invoice the supplier for handling charges to cover the costs incurred. ABCC personnel will adjust the computer bailment inventory records. This procedure does NOT constitute a purchase of bailment inventory by ABCC.

5.9. General Comments: Merchandise in the ABCC warehouse is the property of the supplier. ABCC will assume responsibility for any non-concealed breakage or shortages that are incurred while bailment inventory is stored in the warehouse; however, ABCC will not cover any losses arising from fire, water, or other damage by the elements.

§175-6-6. Use of Bailment Inventory.

6.1. ABCC maintains a computerized inventory system that keeps a perpetual listing of the inventory in the various warehouse locations. This computerized system is designed to use the ABCC inventory to fill retail liquor store orders before product is requested from the supplier's bailment stock.

6.2. When the ABCC inventory no longer contains a requested code, the computer will issue daily an automatic withdrawal order for each code that is needed from the supplier's inventory. This withdrawal order is printed by code, supplier and in full case quantities. The withdrawal order is

generated one (1) working day in advance of shipment of the product to the retail liquor store. ABCC will take possession of the product when it is picked from bailment stock in preparation for shipment.

6.3. At the end of the daily activity on the 15th and last day of each month, the computer will generate for the time period covered a bailment purchase order/receiving report. This report is a compilation of the items transferred to ABCC possession through the use of the automatic withdrawal requests and the manual warehouse transfer transactions. It also provides a recap of all credit memos and other chargebacks that have been processed during this time. Detailed reconciliation of product transfer during each day of the report period will be a part of this report. See Section 15 of these regulations for additional information.

6.4. For most suppliers, the report described in Section 6.3 will be transmitted by an electronic mail transfer to the supplier's business location. This electronic transfer of information will support an electronic fund transfer by the West Virginia State Treasurer to the supplier's preauthorized bank account. Except for certain fiscal constraints in June of each year, fund transfer will occur within three to five working days of the close of the semi-monthly report period.

§175-6-7. Defective Merchandise and Concealed Damage or Shortage.

7.1. Defective alcoholic liquors.

7.1.1. ABCC owned alcoholic liquors.

7.1.1.1. Alcoholic liquors owned by ABCC will be returned to the supplier if found to be defective or unsalable.

a. Defective alcoholic liquors located in retail liquor stores will be processed in accordance with the procedure provided in 175 C.S.R. 1, §4.9.

b. Defective alcoholic liquors located in the ABCC warehouse will be disposed

of in accordance with instructions provided by the supplier. Such disposition instructions must be provided by the supplier within thirty (30) days after the supplier is notified of the defective alcoholic liquors. ABCC may destroy the defective alcoholic liquors and invoice the supplier for handling charges if the supplier fails to provide disposition instructions.

7.1.2. Bailment alcoholic liquors.

7.1.2.1. Defective alcoholic liquors available through the bailment method of warehousing must be removed from the ABCC warehouse.

7.1.2.2. Defective alcoholic liquors located in retail liquor store and which were obtained from supplier bailment stock must be processed in accordance with the procedures provided in 175 C.S.R. 1, §4.9.

a. ABCC personnel are authorized to direct the return of defective alcoholic liquors from retail liquor stores to the ABCC warehouse and to invoice suppliers for the handling cost.

b. Because retail liquor stores will be credited by the ABCC for defective alcoholic liquors which are returned, suppliers are required to grant a credit of equal amount to the ABCC. Under no circumstances will the ABCC be deemed to purchase any defective alcoholic liquors provided out of bailment stock.

7.2. Concealed damage or shortage.

7.2.1. ABCC owned alcoholic liquors.

7.2.1.1. ABCC will be provided appropriate credit by suppliers for alcoholic liquors which are damaged or shorted and located in the ABCC warehouse.

7.2.1.2. Alcoholic liquors which are damaged or shorted and located in retail liquor stores will be processed in accordance with the procedures provided in 175 C.S.R. 1, §4.9. Appropriate credit will be provided to the

respective retail liquor stores and disposition instructions will be requested from suppliers. The ABCC may destroy damaged alcoholic liquors and invoice the supplier for handling charges if disposition instructions are not provided within thirty (30) days after the supplier is notified of damaged alcoholic liquors.

7.2.2. Bailment alcoholic liquors.

7.2.2.1. Damaged or shorted alcoholic liquors which are located in the ABCC warehouse and available through the bailment method of warehousing must be removed from the warehouse.

7.2.2.2. Alcoholic liquors which are damaged or shorted and located in retail liquor stores will be processed in accordance with the procedures provided in 175 C.S.R. 1, §4.9.

a. ABCC personnel are authorized to direct the return of damaged alcoholic liquors to the warehouse and invoice the supplier for all handling charges, regardless of whether the supplier provides disposition instructions within thirty (30) days of being notified of the damaged alcoholic liquors.

b. Appropriate credit will be provided by the supplier to the retail liquor store.

7.3. The ABCC will under no circumstances be deemed to purchase any defective alcoholic liquors from that which is provided for distribution by bailment.

§175-6-8. Withdrawal of Bailment Inventory by the Supplier.

8.1. The supplier may withdraw alcoholic liquors from bailment storage for the following reasons:

8.1.1. The supplier may return product to his warehouse for redistribution to other areas. The supplier cannot redistribute the product to other states or wholesale or retail customers directly from the ABCC Warehouse.

8.1.2. The supplier may return product to his warehouse if the maximum inventory level at the ABCC Warehouse has been exceeded.

8.1.3. The supplier may return product to his warehouse if the product is defective or unsalable.

8.1.4. The supplier must return product to his warehouse if the product has been delisted by ABCC and will no longer be available in the State of West Virginia except through ABCC by special order.

8.2. The ABCC must approve of the removal of any product before it can be removed from the warehouse. Such approval must be provided at least 24 hours in advance of the desired removal. Such removal must only occur during the warehouse delivery hours specified by Section 4.5.1.

8.3. The supplier must provide a motor carrier to be used when removing product from the warehouse. The carrier must make arrangements with the ABCC for a loading time.

8.4. ABCC will load the product onto the truck. The carrier driver will observe the loading. Both the ABCC and the driver must sign the Bill of Lading and a copy of the document will be provided to the supplier. ABCC will adjust the computer bailment inventory records.

8.5. ABCC will charge the supplier a case handling fee to cover the costs resulting from this activity. The charge will be specified by Section 11.1.

§175-6-9. Maximum Inventory Levels.

9.1. The preapproved level will be a sixty-day (60) supply based on a one-year (1) average consumption for each code.

9.2. ABCC will set a maximum level of inventory of each item in storage.

9.3. The maximum inventory levels will be reviewed quarterly and recomputed on a

forecasted sales basis. The supplier will be provided with a copy of the quarterly maximum bailment inventory level report listing the codes carried and the computed levels. The maximum inventory level for each code will be used by the ABCC to approve or deny subsequent supplier shipments.

§175-6-10. Special Orders.

10.1. ABCC often receives requests for an item that is not listed in the Wholesale Spirits Catalog.

10.1.1. ABCC will attempt to satisfy these requests through the Special Order procedure provided in 175 C.S.R. 1, §4.3.

10.1.2. Special Order products may be ordered only on a case lot basis.

10.2. Suppliers must notify the ABCC in writing in order to not participate in Special Orders. ABCC will inform retail liquor stores of the supplier's position.

10.3. Suppliers must receive permission from the ABCC to maintain a supply of a Special Order item in storage at the ABCC Warehouse. Maximum levels of inventory for the special order product must be determined.

§175-6-11. Handling Charges.

11.1. Suppliers doing business with ABCC under the bailment inventory system will be charged for routine warehousing services, such charges will be deducted from the amount due the suppliers for withdrawals of their stock from bailment inventory. If a supplier, whose license status is active, does not have sufficient withdrawals of their stock from bailment inventory to allow the charges to be deducted, then such amount shall be carried forward until such time as withdrawals are made in amounts sufficient to allow the charges to be deducted from the amount due the supplier. Should the supplier's license status become inactive, an invoice will be issued by the ABCC to the supplier for the amount of the charges due the ABCC. The amount of such

charges will be imposed by administrative notices filed in the State Register.

11.2. ABCC may also impose handling fees when extra services are performed. Examples of extra services and charges are as follows: (See Table 1 at the end of this rule.)

11.3. ABCC will complete a special warehouse case handling report when extra services are performed. This form will identify the supplier, type of services rendered, and the charges. ABCC will invoice the supplier based upon the services and charges indicated in the special warehouse case handling report.

§175-6-12. Reserved for Future Use.

§175-6-13. Physical Count of Inventory.

13.1. The ABCC is responsible for maintaining the accuracy of the perpetual computer inventory records. All transactions affecting the files are checked and verified for accuracy daily.

13.2. The ABCC will conduct a physical count of all products in the warehouse on a twice per year basis as of June 30 and December 31. Differences between the physical count and the perpetual records will be resolved by adjusting the perpetual records. Suppliers will be advised of any discrepancies found to affect the product they have in storage.

13.3. Supplier's representatives may perform a physical count of the supplier's inventory. Suppliers are required to make appointments at least 24 (twenty-four) hours in advance of the count time. Representatives may be asked by ABCC to display appropriate credentials prior to commencement of counting activities.

§175-6-14. Listing and Delisting of Inventory Products.

14.1. Listing and delisting of products will be governed through administrative notices issued by the ABCC.

14.2. Where product with an alcohol content in excess of one-half of one percent (.5%) and a distilled spirit base is available for inclusion in the bailment inventory but the product does not fit within the definition of alcoholic liquor, distilled spirit or wine, the ABCC may authorize such product to be included in the bailment inventory and sold by licensed retailers.

§175-6-15. Reports.

15.1. ABCC will produce and make available to the person named as agent on the respective supplier's Bailment Authorization Form different computer-generated reports to assist in managing the bailment inventory.

15.1.1. The agent must choose which of the following reports is to be received.

15.1.1.1. BAIL 100 provides the daily bailment withdrawal information by showing the total cases withdrawn by code and by supplier. The delivered case cost is extended by the total number of cases withdrawn from the bailment inventory to determine the total dollar amount for each code withdrawn.

15.1.1.2. BAIL 110 provides weekly withdrawal information by summarizing the daily reports.

15.1.1.3. BAIL 115 provides the billing report as of the fifteenth (15th) and last day of the month. This report, which is a semi-monthly bailment activity recap, contains for each code the summarized withdrawal-data, the month-to-date receipts, and the current on-hand inventory.

15.1.2. In addition to the foregoing reports, ABCC will provide the BAIL 120 report which will provide the monthly recap of all bailment activity. This report contains information from both semi-monthly BAIL 115 reports.

15.2. The following reports will be available as needed to all of the supplier's agents as designated on the Bailment Authorization Form.

15.2.1. BAIL W100 (Bailment Stock Requirements By Supplier) serves as the guideline for determining warehouse replenishment needs.

15.2.1.1. The report provides the sales by bottle for a four (4) month period, the two (2) month average, and the number of cases represented by the two (2) month average.

15.2.1.2. The number of cases needed for resupply may be calculated by comparing the current on-hand inventory levels for active product and fortified wines.

15.2.1.3. A negative quantity in "cases needed" indicates the code is in an overstock condition.

15.2.1.4. This report contains only active product and fortified wines.

15.2.2. BAIL W150, Warehouse Inventory Levels/Product List By Supplier, provides the current on-hand inventory levels for active product and fortified wines.

15.3. Additional copies of the reports may be obtained at a cost of five dollars (\$5.00) for each additional copy. The designated agent shall notify the ABCC of such additional report requirements and shall designate the name and address of such person.

TABLE 1

SERVICE	CHARGE*
Recouping damaged cases	\$2.00 per case
Supplying cartons for damaged cases	Cost of materials
Relabeling or recoding cases	\$1.00 per case
Restacking or hand unloading pallets	\$15.00 per pallet
Loading cases for return to supplier	\$10.00 per pallet - minimum of \$50
Return of cases from stores to ABCC Warehouse	\$3.00 per case

* Note: Charges are subject to change with ninety (90) days' notice by ABCC, such notice to be filed in the State Register.